

REQUEST THAT CORRECTIVE ACTION BE TAKEN
REGARDING RESTRICTION REQUIREMENT

On March 23, 2009 the USPTO improperly purported to impose a Restriction Requirement under 35 USC section 121. That same day, the undersigned prepared and filed a paper respectfully drawing the Examiner's attention to the fact that the present case was filed under 35 USC section 371, and thus that it was improper for the Examiner to attempt to impose a Restriction Requirement under 35 USC section 121. The undersigned respectfully drew the Examiner's attention to MPEP section 1896 which explains the impropriety of such a Restriction Requirement.

After a delay of some six weeks, the USPTO withdrew the improper Restriction Requirement.

On February 3, 2010 the same Examiner whose attention was drawn to MPEP section 1896 yet again improperly purported to impose a Restriction Requirement under 35 USC section 121. That same day, the undersigned contacted SPE Yuan, in an attempt to secure a withdrawal of this second improper Restriction Requirement.

As of the present date, however, the second improper Restriction Requirement under 35 USC section 121 has still not been withdrawn. For that reason, this paper is being filed to memorialize the telephoned request that the improper Restriction Requirement be withdrawn.

It is urgently requested that the second improper Restriction Requirement be immediately withdrawn. It is also requested that steps be taken to prevent a third improper Restriction Requirement under 35 USC section 121 being imposed in this application at some future time.

Respectfully submitted,

/s/

Carl Oppedahl
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